

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

FITZROY EUGENE,)	
Plaintiff,)	Case No. 3:20-cv-007
)	
v.)	ACTION FOR PERSONAL
)	INJURY AND DAMAGES
WARREN WILSON, and JAMES DOE,)	
)	JURY TRIAL DEMANDED
Defendants.)	

ORDER

THIS MATTER is before the Court *sua sponte*. Plaintiff Fitzroy Eugene (“Eugene”) filed his initial complaint on January 23, 2020 against Warren Wilson (“Wilson”) and a single “James Doe” Defendant. (ECF No. 1). Proof of service was never filed, and on June 9, 2020, the Court ordered Eugene to either file proof of service on the defendants or show cause why this action should not be dismissed for failure to effect timely service. (ECF No. 6). Eugene has neither filed proof of service nor responded to the June 9, 2020 Order.

Rule 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Here, Eugene has failed to file proof of service in the six months that have passed since filing and has shown no good cause for this failure despite receiving notice through the Court’s June 9, 2020 Order. This matter will therefore be dismissed without prejudice for failure to effect timely service under Fed. R. Civ. P. 4(m).

Accordingly, it is hereby

ORDERED that this matter is **DISMISSED WITHOUT PREJUDICE**.

Dated: June 30, 2020

s/_____
ROBERT A. MOLLOY
District Judge